



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 99-2000

BEING A BY-LAW TO TO STOP UP, CLOSE AND RETAIN RIVER TRAIL CRESCENT FOR MUNICIPAL PURPOSES (T09.95)

WHEREAS Section 297(1) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 as amended, provides inter alia that the council of every municipality may pass by-laws for stopping up any highway or part of a highway for a specified period or periods of time and for leasing or selling the soil and freehold of the stopped up highway or part of a highway, and

WHEREAS Section 44(1) of the *Regional Municipalities Act*, R.S.O. 1990, Chapter R.8 provides that where an area municipality intends to stop up a highway or part of a highway it shall so notify the regional corporation by registered mail, and

WHEREAS at the Council-in-Committee meeting of April 6, 1998 Report No. PPS-35-98/LC-3-98 was approved directing the Clerk to proceed to stop up and close River Trail Crescent adjacent to the westerly boundary of A.C. Douglas Park No. 1 and retain the lands for neighbourhood parks space, and

WHEREAS the subject road closing is prompted by the processing of the River Trail Estates II Draft Plan of Subdivision in order to eliminate any requirements for the owners to provide the Town with a one foot lot reserve along the unopened road allowance and the need for increased setbacks from the road allowance, and

WHEREAS pursuant to Section 44(1) of the *Regional Municipalities Act*, the Council of the Regional Municipality of Niagara at its meeting of May 18, 2000 indicated they had no objections to the proposed stopping up, closing and conveyance of the subject road allowance, and

WHEREAS it is deemed desirable to stop up close and retain for municipal park purposes River Trail Crescent adjacent to A.C. Douglas Park No. 1 according to Registered Plan No. 8 for the former Township of Willoughby, now known as Plan 341 in the Town of Fort Erie and more particularly described as Part 1 on Reference Plan 59R-11040, and

WHEREAS notice of intention of the Council of the Town of Fort Erie to consider a by-law to stop up, close and retain the subject highway was published in The Times on April 15, 22, 29 and May 6, 2000, and

WHEREAS no objections to the stopping up, closing and retention of the said highway were received or presented to the Municipal Council of the Town of Fort Erie at the Public Hearing held May 8, 2000;

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NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

- 1) **THAT** River Trail Crescent adjacent to A.C. Douglas Park No. 1 according to Registered Plan No. 8 for the former Township of Willoughby now known as Plan 341 in the Town of Fort Erie and described as Part 1 on Reference Plan 59R-11040 be and it is hereby stopped up, closed and retained for municipal park purposes.
- 2) **THAT** attached to this by-law as Schedule "A" is the affidavit of Carolyn J. Kett, Clerk of the Town of Fort Erie setting out the procedures taken for the publishing of notices pursuant to the provisions of the Municipal Act.
- 3) **THAT** this by-law shall be registered in the local land registry office.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8th DAY OF MAY, 2000.



MAYOR



CLERK

I, the Clerk, Carolyn J. Booth, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 99-2000 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 19 _____.

SCHEDULE "A" TO BY-LAW NO. 99-2000

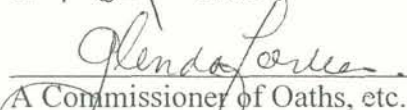
IN THE MATTER OF the stopping up, closing and retaining for municipal park purposes River Trail Crescent adjacent to A.C. Douglas Park No. 1 according to Registered Plan No. 8 for the former Township of Willoughby, now known as Plan 341 in the Town of Fort Erie and more particularly described as Part 1 on Reference Plan 59R-11040 adjacent to AC Douglas Park No. 1.

AFFIDAVIT

- (1) I, Carolyn J. Kett, of the Town of Fort Erie, in the Regional Municipality of Niagara, in the Province of Ontario, affirm that I am the Clerk of the Corporation of the Town of Fort Erie and as such have knowledge of the facts hereinafter deposed to.
- (2) Notice of the intended consideration of the passing of a by-law to stop up, close and retain for municipal park purposes River Trail Crescent adjacent to A.C. Douglas Park No. 1 according to Registered Plan No. 8 for the former Township of Willoughby, now known as Plan 341 in the Town of Fort Erie and more particularly described as Part 1 on Reference Plan 59R-11040, was published in The Times, a newspaper having general circulation in the Town of Fort Erie, on April 15, 22, 29 and May 6, 2000.
- (3) Attached to this Affidavit and now produced and shown to me and marked as Exhibit "1" to this my Affidavit is a copy of the actual notice inserted in The Times on April 15, 22, 29 and May 6, 2000.
- (4) The proposed by-law referred to in this notice as shown in Exhibit "1" came before the Municipal Council of the Town of Fort Erie on the 8th day of May, 2000 and no one appeared to be heard.

SWORN BEFORE ME

at the Town of Fort Erie
in the Regional Municipality
of Niagara this 24 day
of May 2000.


A Commissioner of Oaths, etc.

Glenda Forbes
ACTING DEPUTY CLERK
Town of Fort Erie
Commissioner of Oaths, etc.


Carolyn J. Kett

THIS IS EXHIBIT "1"
TO THE AFFIDAVIT OF
CAROLYN J. KETT
DATED THIS 9th DAY
OF MAY, 2000.

Glenda Forbes
A Commissioner of Oaths, etc.




NOTICE OF PROPOSED ROAD CLOSING - RIVER TRAIL CRESCENT, ADJACENT TO A.C. DOUGLAS PARK NO. 1

Glenda Forbes
ACTING DEPUTY CLERK
Town of Fort Erie
Commissioner of Oaths, etc.

NOTICE is hereby given pursuant to Section 300(1) of the *Municipal Act, R.S.O. 1990* Chapter M.45 as amended that the Municipal Council of the Town of Fort Erie intends to consider a by-law to stop up, close and retain for municipal park purposes River Trail Crescent as shown below adjacent to A.C. Douglas Park No. 1 and partly described as Part of Lot 18, BFC, at the southeast angle, for the former Township of Willoughby. This proposed road closing and retention for municipal park purposes is in conjunction with the River Trail Estate II Draft Plan of Subdivision.



Proposed Road Closing
Unopened River Trail Crescent, off River Trail
 portion of Road Allowance proposed to be closed



Scale 1:3000
DEPARTMENT OF PLANNING AND PROPERTY SAFETY
April 2000

A copy of the plan may be viewed at the Clerk's Office at Town Hall. A copy of the by-law may be viewed at least five days prior to the Council meeting.

On Monday, May 8, 2000 at 6:00 p.m. in the Council Chambers at Town Hall, the Municipal Council of the Town of Fort Erie will hear in person or by counsel, solicitor or agent, any person who claims his/her lands may be prejudicially affected by the said by-law and who applies to be heard. Any person who wishes to be heard shall advise the Clerk prior to 1:00 p.m. on Friday, May 5, 2000.

Carolyn J. Kett, A.M.C.T.
Town Clerk
Telephone No. 871-1600 ext. 203



Document General

Form 4 — Land Registration Reform Act, 1984

Form No. 965

D

<p>FOR OFFICE USE ONLY</p> <p>LT158322</p> <p>CERTIFICATE OF RECEIPT REVERISSE NIAGARA SOUTH / SUB (37) WELLAND</p> <p>100 MAY 31 PM 3 35</p> <p><i>R. J. Kett</i></p>	(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/>	(2) Page 1 of 5 pages
	(3) Property Identifier(s) Block Property 64240-0142 (LT)	Additional: See Schedule <input type="checkbox"/>
	(4) Nature of Document BY-LAW - ROAD CLOSING	
	(5) Consideration Dollars \$ 0.00	
	(6) Description Lands situate and being composed of River Trail Crescent adjacent to A.C. Douglas Park No. 1 according to Plan 8, NP 341, for the <i>PLAN 341</i> former Township of Willoughby, now in the Town of Fort Erie, in the Regional Municipality of Niagara and designated as Part 1 on Reference Plan 59R-11040. <i>PLAN 341 LYING N OF A LINE DRAWN FROM SE OF LOT 55 PLAN 345</i>	
New Property Identifiers Additional: See Schedule <input type="checkbox"/>	(7) This Document Contains: (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>	
(8) This Document provides as follows: (See Schedule) I, Carolyn J. Kett, do solemnly declare that the attached by-law affects the lands in Box 6. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath. <div style="text-align: right;">Continued on Schedule <input checked="" type="checkbox"/></div>		
(9) This Document relates to instrument number(s)		
(10) Party(ies) (Set out Status or Interest) Name(s) Signature(s) Date of Signature Y M D THE CORPORATION OF THE TOWN OF FORT ERIE <i>[Signature]</i> Carolyn J. Kett, Town Clerk 2000 05 30		
(11) Address for Service 1 MUNICIPAL CENTRE DRIVE, FORT ERIE, ON L2A 2S6		
(12) Party(ies) (Set out Status or Interest) Name(s) Signature(s) Date of Signature Y M D		
(13) Address for Service		
(14) Municipal Address of Property River Trail Crescent adjacent to A.C. Douglas Park No. 1	(15) Document Prepared by: Carolyn J. Kett, Town Clerk Town of Fort Erie 1 Municipal Centre Drive Fort Erie, ON L2A 2S6	Fees and Tax Registration Fee \$ 50.00



MINISTRY OF
CONSUMER AND
COMMERCIAL
RELATIONS

LAND
REGISTRY
OFFICE #59

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

64240-0142 (LT)

PAGE 1 OF 1
PREPARED FOR:
ON2000/05/31 AT 13:09

* CERTIFIED BY LAND REGISTRAR IN ACCORDANCE WITH LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: RIVER TRAIL CRES PL 341 WILLOUGHBY LYING N OF A LINE DRAWN FROM THE SE ANGLE OF LT 55 PL 345 ; FORT ERIE

PROPERTY REMARKS:

ESTATE/QUALIFIER	RECENTLY	BLOCK IMPLEMENTATION DATE	OWNERS' NAMES	CAPACITY	SHARE
FEE SIMPLE	FIRST CONVERSION	1999/11/15	THE CORPORATION OF THE TOWN OF FORT	BENO	
LT CONVERSION QUALIFIED	FROM BOOK		ERIE		

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD	FILM	FUTURE OFFICE USE
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/11/12 **								
** SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO: **								
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES **								
** AND ESCHEATS OR FORFEITURE TO THE CROWN. **								
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF **								
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY **								
** CONVENTION. **								
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES. **								
** DATE OF CONVERSION TO LAND TITLES: 1999/11/15 **								
PL341	1946/03/26	PLAN SUBDIVISION				C		
59R11040	2000/05/02	PLAN REFERENCE ✓				C		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.